

27. (Amended) The method of claim 23, wherein said computer controls said switch and said television programming source, said method further comprising the steps of:

receiving a television signal from [a] said remote stations;

controlling said switch to communicate at least a portion of said television signal to said television programming source; and

controlling said television programming source to store said communicated portion of said television signal.

NE 28. The method of claim 27, wherein said switch includes a plurality of outputs, said method further comprising the steps of subsequently:

controlling said television programming source to output said communicated and stored portion of said television signal; and

controlling said switch to communicate output from said television programming source to one of said plurality of outputs.

REMARKS

The Office Action dated February 4, 1997 has been carefully reviewed. The Examiner's comments on the claims are acknowledged and appreciated. In response thereto, Applicants herein offer persuasive arguments addressing the Examiner's rejections. In addition, claims 5-27 have been carefully amended. No new matter is presented in the foregoing amendments, and entry of same is respectfully requested. Thus, claims 5-28 are active in this application and early allowance is earnestly solicited.

Regarding paragraph 2 of the Office Action, Applicants respectfully point out that the Information Disclosure Statements filed for the subject application claim priority back to the application filed November 3, 1981, and issued as U.S. Pat. No. 4,694,490 on September 15, 1987. The present application claims priority under 35 U.S.C. § 120 of the following applications:

| <u>Serial No.</u> | <u>Filing Date</u> | <u>Patent No.</u> |
|-------------------|--------------------|-------------------|
| 08/113,329 | August 30, 1993 | Pending |
| 08/056,501 | May 3, 1993 | 5,335,277 |
| 07/849,226 | March 10, 1992 | 5,233,654 |
| 07/588,126 | September 25, 1990 | 5,109,414 |
| 07/096,096 | September 11, 1987 | 4,965,825 |
| 06/829,531 | February 14, 1986 | 4,704,725 |
| 06/317,510 | November 3, 1981 | 4,694,490 |

Consequently, Applicants will demonstrate disclosure only with respect to the "81 case", App. Ser. No. 06/317,510 and issued as U.S. Pat. No. 4,694,490. Applicants will address the art rejections and the double patenting rejections of the Office Action, *infra*.

As to the paragraph numbered 3, Applicants acknowledge their duty to maintain a line of patentable demarcation between related applications. Assuming *arguendo* that substantially duplicate claims exist, Applicants intend to make a good faith effort to alert the USPTO of any instances in which the USPTO treats such claims inconsistently.

As to the paragraph numbered 4, Applicants acknowledge and appreciate the Examiner's concern over the use of alternative claim language. Applicants believe that the disclosure supports every possible embodiment or permutation that can be created using said language. During the prosecution of this application, Applicants intend to

ensure that the disclosure supports each possible embodiment as claimed using alternative claims.

As to paragraphs 5 through 13 of the Office Action, Applicants' views are fully discussed in Applicants' reply brief to the rejections in application number 08/113,329, hereby incorporated by reference. Applicants will not repeat portions the response which are identical in this application. Applicants will discuss those portions of the double patenting rejection that are specific to the present application *infra*.

Concerning paragraph 10 of the Office Action, Applicants respectfully submit that the Examiner and the USPTO cannot defer further rejections to a later time. Every ground of rejection should be made in examiner's first Office Action. Title 37 of the C.F.R. states that "[o]n taking up an application for examination . . . the examiner shall make a thorough study thereof and shall make a thorough investigation of the available prior art relating to the subject matter of the claimed invention. The examination shall be complete with respect to both compliance of the application . . . with the applicable statutes and rules and to the patentability of the invention as claimed, as well as with respect to matters of form, unless otherwise indicated." 37 C.F.R. § 1.104(a). The M.P.E.P. states "[t]he examiner's action will be complete as to all matters, except that in appropriate circumstances, such as misjoinder of invention, fundamental defects in the application, and the like, the action of the examiner may be limited to such matters before action is made." M.P.E.P. § 707.07, quoting 37 C.F.R. § 1.105. Finally, "[p]iecemeal examination should be avoided as much as possible. The examiner ordinarily should reject each claim on all valid grounds available . . . Where a major technical rejection is proper, it should be stated with full development of reasons rather

than by mere conclusion coupled with some stereotyped expression." M.P.E.P. § 707.07(g). Applicants respectfully submit that the Examiner has a duty to give each application a complete examination, that rejections be made with specificity, and that deferred rejections are not allowed. For these reasons, Applicants likewise traverse the rejection based on the "judicially created doctrine of double patenting over the claims of copending U.S. application 08/113,329 and the following [list of all applicants copending applications]." Applicants submit that this rejection, even if appropriately made with specificity, should be a provisional double patenting rejection. Applicants respectfully request that this rejection be withdrawn.

As to paragraph 12 related to the multiplicity rejection in parent file 07/096,096, Applicants submit that the USPTO gave a multiplicity rejection in this case and limited Applicants to twenty-five claims. Roughly one hundred claims had been originally filed. There was no substantive review of any of the other claims outside of the twenty five. Applicants were not permitted to submit additional claims although a request was made. The disclosure of Applicants address too many subject areas to be adequately covered by a small number of claims. Applicant submit that "nexus" analysis is not required by Applicants.

Claims 5-28 are rejected under 35 U.S.C. § 112, second paragraph. Applicants traverse this rejection and submit they are under no duty to prospectively reference claim limitations to the specification where the Examiner has not specifically identified what is objected to as indefinite. M.P.E.P. § 2111 states that "[d]uring patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.'" Also, it is only "when the specification provides

definitions for terms appearing in the claims that the specification can be used in interpreting claim language." M.P.E.P. § 2111.01. Applicants respectfully request that this blanket rejection for indefiniteness be withdrawn.

However, in order to advance the prosecution of the present application, Applicants have amended claims 5-28. Applicants shall provide citations to the '81 case supporting the pending claims, as well as a cross-reference to corresponding sections of the '87 specification. (see, footnotes).

The present application asserts priority written description that is fully enabling based upon the disclosure of the '81 case, filed on November 3, 1981, as Ser. No. 317,510, and issued September 15, 1987, as U.S. Pat. No. 4,694,490. The disclosure of the '81 case is generally directly to apparatus and methods for automatically controlling the transmission and presentation of information programming, including the application of embedded signaling for a number of functions, including the control over decryption and access, monitoring of usage/availability, control of external equipment, coordination of multiple broadcasts, automated compilation and collection of billing data, and generation and presentation of combined media presentations of broadcast and locally-generated user specific content. The priority disclosure further discusses coordination and control of programming at several levels of the communications chain, including transmission stations, intermediate transmission stations, and receiver stations. Regarding the present invention, the claims are generally directed to a method of controlling a network that communicates a television signal. Independent claim 5 is directed at a method of controlling a remote intermediate transmitter station. (See, e.g.,

U.S. Pat. No. 4,694,490, col. 9, line 31-33; col. 10, line 14 through col. 12, line 67)¹.

Independent claim 10 is directed at a method of controlling a remote intermediate data transmitter station. (See, e.g., U.S. Pat. No. 4,694,490, col. 9, line 31-33; col. 10, line 14 through col. 12, line 67)². Independent claim 11 is directed at a method of controlling a remote television transmitter station. (See, e.g., U.S. Pat. No. 4,694,490, col. 9, line 31-33; col. 10, line 14 through col. 12, line 67)³. Independent claim 12 is directed at a method of controlling communication between an intermediate data transmitter station and a plurality of remote receiver stations. (See, e.g., U.S. Pat. No. 4,694,490, col. 9, line 31-33; col. 14 through col. 12, line 67)⁴. Independent claim 13 is directed at a method of communicating television program material from a television transmitter station to a television receiver station. (See, e.g., U.S. Pat. No. 4,694,490, col. 9, lines 31-33; col. 10 line 14 through col. 12, line 67)⁵. Independent claims 20 and 23 are directed at a method of communicating television program material from a television transmitter station to a plurality of television receiver stations. (See, e.g., U.S. Pat. No. 4,694,490, col. col. 9, lines 31-33; col. 10, line 14 through col. 12, line 67)⁶. Applicants provide these specific embodiments in support of the pending claims by way of example only. The claims

¹ '490 col. 9, lines 31-33 and col. 10, line 14-col. 12, line 67 corresponds to '87 specification at pp. 324-390.

² '490 col. 9, lines 31-33 and col. 10, line 14-col. 12, line 67 corresponds to '87 specification at pp. 324-390.

³ '490 col. 9, lines 31-33 and col. 10, line 14-col. 12, line 67 corresponds to '87 specification at pp. 324-390.

⁴ '490 col. 9, lines 31-33 and col. 10, line 14-col. 12, line 67 corresponds to '87 specification at pp. 324-390; col. 7, lines 60-64 correspond to '87 specification at p. 31, lines 26-29; col. 16, lines 25-47 correspond to '87 specification at p. 319, line 22 through p. 320, line 35; col. 18, line 42-col. 19, line 27 corresponds to '87 specification at pp. 419-447, 249-267 (line 18), 288-312, *see also* pp. 447-457, 19-28 and 86-248.

⁵ '490 col. 9, lines 31-33 and col. 10, line 14-col. 12, line 67 corresponds to '87 specification at pp. 324-390.

⁶ '490 col. 9, lines 31-33 and col. 10, line 14-col. 12, line 67 corresponds to '87 specification at pp. 324-390.

must be read as broadly as is reasonable in light of the specification, and Applicants in no way intend that their submission of excerpts/examples be construed to unnecessarily restrict the scope of the claimed subject matter. Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph, rejection of claims 5-28.

Claims 15 and 26 are objected to. Accordingly, claim 15 has been amended to delete "on". Claim 26 has been amended to recite "said at least one remote station".

Claims 5-28 are rejected under 35 U.S.C. § 112, second paragraph.

Claims 5, 7, 8 and 10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Dunkerton. Applicants respectfully submit that Dunkerton is not prior art as against the present application under 35 U.S.C. § 102(e). According to 35 U.S.C. § 102(e), a person shall be entitled to a patent unless the invention was described in a patent granted on an application for patent by another filed in the United States before the invention of the Applicants. In the instant case, the filing date of Dunkerton shown on the face of the patent, August 5, 1983, does not precede the asserted priority date of the present application, namely November 3, 1981.

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Applicant's reading of 35 U.S.C. § 102(e) is that the August 5, 1983 filing date of this reference does not render Dunkerton as prior art in this instance for purposes of this section of the Patent Statute. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Claims 6, 9, 11-14, 20, 21, and 23-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cox et al. in view of Campbell et al. Applicants respectfully submit that Campbell et al. is not prior art as against the present application. In the instant

case, the U.S. filing date of Campbell et al. and the 102(e) date shown on the face of the patent, November 27, 1981, does not precede the asserted priority date of the present application, namely November 3, 1981.

Applicant's reading of 35 U.S.C. § 102(e) is that the earlier PCT filing date March 31, 1981 does not render Campbell et al. as prior art in this instance for purposes of examination of the instant application. Assuming *arguendo* that Campbell et al. is a valid reference against the present application, Applicants respectfully submit that their claims 6, 9, 11-14, 20, 21, and 23-28, as amended, are non-obvious over Cox et al. in view of Campbell et al.

Cox relates to teletext communication systems with timed multipage local memory. According to Cox, a satellite transmits multiple pages of a teletext encoded data service at selected times of the day, including an auxiliary teletext data defining a selected time interval and a unique page memory address code. A teletext decoder acquires and stores each programming guide page in a page memory in response to the memory address code, and automatically rebroadcasts each stored page. A programming guide, which may be updated from time to time, together with certain control data is transmitted in teletext encoded format by satellite. The control data comprises auxiliary data rows which are transmitted together with each page of the programming guide. A cable head end facility includes a dish antenna for intercepting and coupling the transmissions to a receiver, which applies a baseband video signal to the input of a multipage teletext decoder. The baseband video signal includes the teletext encoded multiple page programming guide and the control data contained in the auxiliary data rows. The teletext decoder acquires the teletext encoded signals and

is responsive to the control data for storing each programming guide page in a page memory. The decoder is also responsive the control data to automatically read and decode the stored programming guide pages during selected times of the day and coupling the decoded pages in a predetermined manner to the input of a television channel modulator.

Campbell teaches a head end station that includes a central data system utilizing a control computer which gathers data from a wide variety of sources and formats the data for transmission on video frequency channels. The formatted data is then transmitted by communication link to a television program processor where it is incorporated into the vertical blanking intervals of video signals by a variety of television program sources. The head end unit then transmits the combined cable television and data signal to remote subscribers. Normally, the signals are then transmitted through a cable network to a plurality of subscribers. The signals are received by an addressable converter which then processes the data on line as determined by subscriber input for desired viewing on one or more television sets.

Concerning the rejection of claims 6 and 9, which depend from claim 5,
Applicants respectfully submit this rejection should be withdrawn because the rejection of claim 5 is based upon a reference that is unavailable as prior art, as discussed above.

Concerning claim 9, Applicants respectfully submit that claim 9, which depends from claim 5 as discussed above, is patentable for at least the reasons proffered with respect to claim 5.

Concerning claim 11, there is no teaching or suggestion in Cox et al. of transmitting television programming as defined, nor any suggestion as to how to

process images to be outputted at a receiver station in a predetermined sequence. There is no teaching or suggestion in Campbell et al. to receive a control signal at a remote intermediate television transmitter station which controls communication of programming. The Cox et al. system is only capable of transmitting teletext information to a viewer. Their system does not handle the transmission or reception of the an actual television programming itself. In the Campbell et al. system, control signals are effective to only control the converter at the viewer's home. Thus, Campbell et al. can only control the receiver where the viewer watches the program, not a remote intermediate station, which passes the program forward. Hence, Applicants respectfully submit that claim 11 is non-obvious over Cox et al. in view of Campbell et al. under 35 U.S.C. § 103, because both references fail to teach or suggest all of Applicants' claim limitations, and fails to establish a *prima facie* case of obviousness. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Concerning claim 12, there is no teaching or suggestion in Cox et al. or in Campbell et al. of receiving data including an instruct signal. The Cox et al. system does not use instruct signals in their transmissions, but instead use control data which is encoded along with their teletext transmission. Campbell et al. does not use instruct signals, but instead relies upon control signals or words which are disposed in the vertical interval of the programming being transmitted. Hence, Applicants respectfully submit that claim 112 is non-obvious over Cox et al. in view of Campbell et al. under 35 U.S.C. § 103, because both references fail to teach or suggest all of Applicants' claim limitations, and fails to establish a *prima facie* case of obviousness. Therefore,

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Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Concerning claim 13, Cox et al. nor Campbell et al. teach or disclose receiving an information transmission comprising a television signal and an instruct signal. Cox et al. does not concern the transmission and reception of a television signal, as discussed above with respect to claim 11. Campbell et al. does not rely upon instruct signals, but instead uses control signals or words, as discussed with respect to claim 12. Hence, Applicants respectfully submit that claim 13 is non-obvious over Cox et al. in view of Campbell et al. under 35 U.S.C. § 103, because both references fail to teach or suggest all of Applicants' claim limitations, and fails to establish a *prima facie* case of obviousness. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Concerning claim 14, Applicants respectfully submit that claim 14, which depends from claim 13 is patentable for at least the reasons proffered with respect to claim 13.

Concerning claim 20, Cox et al. nor Campbell et al. teach or suggest receiving and storing a selection control signal. The Cox et al. system, as discussed above, involves the transmission and reception of a television programming guide which is transmitted in a teletext format along with certain control data. The transmission does not include a selection control signal. In order to view a particular program indicated by the teletext transmission, the viewer must tune in the program on his television himself. Campbell et al. does not include a selection control signal, but instead requires the viewer to make a selection of a desired program himself. Moreover, Cox et al. does not

provide a transmitter selection capability, and therefore is not concerned with a selection control signal capable of selecting a transmitter. Hence, Applicants respectfully submit that claim 20 is non-obvious over Cox et al. in view of Campbell et al. under 35 U.S.C. § 103, because both references fail to teach or suggest all of Applicants' claim limitations, and fails to establish a *prima facie* case of obviousness. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw this rejection. Claim 21, which depends from claim 20 is patentable for at least the reasons proffered with respect to claim 20.

Concerning claim 23, Cox et al. does not teach or suggest transmitting television program material to television receiver stations. Campbell et al. does not teach or suggest selecting a broadcast or cablecast transmitter in accordance with an instruct selection signal. As discussed above, Cox et al. is concerned with handling teletext data and not television program material. The Campbell et al. system relies upon one transmitter location for sending its program and data material. There is no selection capability of transmitters by the viewer. Campbell et al. does not include a selection control signal, but instead requires the viewer to make a selection of a desired program himself. Moreover, Cox et al. does not provide a transmitter selection capability, and therefore is not concerned with a selection control signal that is able to select a transmitter. Hence, Applicants respectfully submit that claim 23 is non-obvious over Cox et al. in view of Campbell et al. under 35 U.S.C. § 103, because both references fail to teach or suggest all of Applicants' claim limitations, and fails to establish a *prima facie* case of obviousness. Therefore, Applicants respectfully request that the Examiner

reconsider and withdraw this rejection. Claims 24-28 are patentable for at least the reasons proffered with respect to claim 23.

As to the Office Action's rejection of Applicants' claim under a non-statutory non-obvious type of double patenting, Applicants strongly traverse the Examiner's double patenting rejection on three separate grounds which are set forth in the reply brief for Serial No. 08/113,329 (Atty. Docket No. 05634.008), incorporated herein by reference. For the sake of brevity, these arguments will not be set forth herein; the Examiner is respectfully directed to the above-mentioned reply brief.

The claims in the present application are distinct from the claims in the Harvey patents. As previously mentioned, the Office Action states that the independent and distinct standard was the main factor in the Schneller court's determination that the double patenting rejection should be affirmed. The Office Action has misinterpreted this phrase. This phrase means independent 'or' distinct. M.P.E.P. (6th ed.) § 802.01. The M.P.E.P. defines independent as meaning "that there is no disclosed relationship between the two or more subjects disclosed" and that they are not connected. The M.P.E.P. defines the term distinct as meaning that "two or more subjects disclosed are related . . . but are capable of separate manufacture, use, or sale as claimed" Two or more subjects cannot then be unrelated, independent, and also related, and thus distinct. Analyzing the USPTO's cited representative claims referenced in the Office Action, the claims of the present application are clearly distinct from the claims in the patents and therefore the claims in the present application are patentable. Although not required, Applicants will analyze the claims of the present application with respect to

the designated representative claims of Harvey et al. U.S. Patents 4,694,490 and 4,704,725.

i. First representative claims, U.S. patent 4,694,490, claim 7 covering present application claim 11.

Patent 4,694,490, claim 7 claims a method of communicating television program material, said material including a video signal containing a television program and an instruct-to-overlay signal, to multiple receiver stations. The video signal is received and the instruct-to-overlay signal detected and processed by a computer. The computer generates and transmits its overlay video signals to a television receiver which presents a combined display of the television program and overlay video signals, said display specific to a specific user. Present application claim 11 relates to a method of controlling remote television transmitter station. Patent claim 7 does not cover present application claim 11. The two claims are capable of separate manufacture, use, and sale as claimed. These two inventions are distinct.

| U.S. patent 4,694,490, claim 7 | Present application claim 11 (amended) |
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| In a method of communicating television program material to a multiplicity of receiver stations each of which includes a television receiver and computer, the computers being adapted to generate and transmit overlay video signals, to their associated television receivers, said overlay signals causing the display of user specific information related to said program material, and with at least some of said computers being programmed to process overlay modification control signals so as to modify the overlay video signals transmitted to their associated receivers, each of said computers being programmed to accommodate a specific user application, and wherein a video signal containing a television program signal and | A method of controlling a remote television transmitter station to communicate television program material to at least one receiver station, said remote television transmitter station including one of a broadcast and a cablecast transmitter for transmitting television programming, a plurality of selective transfer devices each operatively connected to said one of a broadcast and a cablecast transmitter for communicating said television programming, a television receiver for receiving said television programming from at least one origination transmitter station, a control signal detector, and a one of controller and a computer capable of controlling at least one of said selective transfer devices, said remote television transmitter station being adapted to detect |

an instruct-to-overlay signal are transmitted to said receiver stations, the steps of:

receiving said video signal at a plurality of receiver stations and displaying said program material on the video receivers of selected ones of said plurality of receiver stations

detecting the presence of said instruct-to-overlay signal at said selected receiver stations at a time when the corresponding overlay is not being displayed, and coupling said instruct-to-overlay signal to the computers at said selected receiver stations, and

causing the computers at said selected receiver stations to generate and transmit their overlay video signals to their associated television receivers in response to said instruct-to-overlay signal, thereby to present a combined display at the selected receiver stations consisting of the television program and the related computer generated overlay, the overlays displayed at a multiplicity of said receiver stations being different, with each display specific to a specific user.

the presence of at least one control signal, to control the communication of said television programming in response to said at least one control signal, and to deliver at said one of a broadcast and a cablecast transmitter said television programming, said method comprising the steps of:

(1) receiving said television programming at said at least one origination transmitter station and delivering said television programming to at least one origination transmitter, said television programming including a plurality of images to be outputted at said at least one receiver station in a predetermined sequence;

(2) receiving said at least one control signal, which at said remote intermediate television transmitter station operates to control communication of said television programming; and

(3) transmitting said at least one control signal to said at least one origination transmitter before a specific time.

ii. Second representative claims, U.S. patent 4,704,725, claim 3 covering present application claim 11.

Patent 4,704,725, claim 3 claims a method of communicating output signals comprising data and user specific signals at a multiplicity of receiver stations from computers to output devices. At least some of the computers can modify the user specific signals by processing modification control signals. The computers communicate the data and user specific signals in response to a received and detected instruct-to-transmit signal. Present application claim 11 relates to a method of controlling remote television transmitter station. Patent claim 3 does not cover present

application claim 11. The two claims are capable of separate manufacture, use, and sale as claimed. These two inventions are distinct.

| U.S. patent 4,704,725, claim 3 | Present application claim 11 (Amended) |
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| <p>A method of communicating data to a multiplicity of receiver stations each of which includes a computer adapted to generate and transmit user specific signals to one or more associated output devices, with at least some of said computers being programmed to process modification control signals so as to modify the user specific signals transmitted to their associated output devices, each of said computers being programmed to accommodate a special user application, comprising the steps of:</p> <p>transmitting an instruct-to-transmit signal to said computers at a time when the corresponding user specific information is not being transmitted to an output device;</p> <p>detecting the presence of said instruct-to-transmit signal at selected receiver stations and coupling said instruct-to-transmit signal to the computers associated with said selected stations, and</p> <p>causing said last named computers to generate and transmit their user specific signals to their associated output devices in response to said instruct-to-transmit signal, thereby to transmit to the selected output devices an output signal comprising said data and said related user specific signals, the output signals at a multiplicity of said output devices being different, with each output signal specific to a specific user.</p> | <p>A method of controlling a remote television transmitter station to communicate television program material to one or more receiver stations, said remote television transmitter station including one of a broadcast and a cablecast transmitter for transmitting television programming, a plurality of selective transfer devices each operatively connected to said one of a broadcast and a cablecast transmitter for communicating said television programming, a television receiver for receiving said television programming from at least one origination transmitter station, a control signal detector, and a one of controller and a computer capable of controlling at least one of said selective transfer devices, said remote television transmitter station being adapted to detect the presence of at least one control signal, to control the communication of said television programming in response to said at least one control signal, and to deliver at said one of a broadcast and a cablecast transmitter said television programming, said method comprising the steps of:</p> <p>(1) receiving said television programming at said at least one origination transmitter station and delivering said television programming to at least one origination transmitter;</p> <p>(2) receiving said at least one control signal, which at said remote intermediate television transmitter station operates to control communication of said at least one specific one unit of television programming; and</p> <p>(3) transmitting said at</p> |

least one control signal to said at least one origination transmitter before a specific time.

iii. Third representative claims, U.S. patent 4,965,825, claim 24 covering present application claim 11.

Patent 4,965,825, claim 24 claims a method of generating user specific output information at a multiplicity of receiver stations. Each receiver station is programmed with a special user application and has a computer adapted to generate user specific output information. Each receiver station has an output device to which its computer transmits a user specific signal. At a time when the user specific output information does not exist, an instruct-to-generate signal is transmitted to the receiver stations. In response to the instruct-to-generate signal, the computers generate and transmit to the output devices the user specific output information in user specific signals which are different, "with each output signal specific to a specific user". Present application claim 11 relates to a method of controlling remote television transmitter station. Patent claim 24 does not cover present application claim 11. The two claims are capable of separate manufacture, use, and sale as claimed. These two inventions are distinct.

| U.S. patent 4,965,825, claim 24 | Present application claim 11 (Amended) |
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| <p>In a method of generating computer output at a multiplicity of receiver stations each of which includes a computer adapted to generate and transmit user specific output information content and user specific signals to one or more associated output devices, with at least one or more associated output devices, with at least some of said computers being programmed to process modification control signals so as to modify said computers' method of processing data and generating output information content, each of said computers, being programmed to accommodate a special</p> | <p>A method of controlling a remote television transmitter station to communicate television program material to one or more receiver stations, said remote television transmitter station including one of a broadcast and a cablecast transmitter for transmitting television programming, a plurality of selective transfer devices each operatively connected to said one of a broadcast and a cablecast transmitter for communicating said television programming, a television receiver for receiving said television programming from at least one origination transmitter station, a control signal</p> |

user application, the steps of:

transmitting an instruct-to-generate signal to said computers at a time when corresponding user specific output information content does not exist, and causing said last named computers to generate their user specific output information content in response to said instruct-to-generate signal, thereby to transmit to each of their associated output devices an output information content and the user specific signal of its associated computer, the output signals at a multiplicity of said output devices being different, with each output signal specific to a specific user.

detector, and a one of controller and a computer capable of controlling at least one of said selective transfer devices, said remote television transmitter station being adapted to detect the presence of at least one control signal, to control the communication of said television programming in response to said at least one control signal, and to deliver at said one of a broadcast and a cablecast transmitter said television programming, said method comprising the steps of:

(1) receiving said television programming at said at least one origination transmitter station and delivering said television programming to at least one origination transmitter;

(2) receiving said at least one control signal, which at said remote intermediate television transmitter station operates to control communication of said at least one specific one unit of television programming; and

(3) transmitting said at least one control signal to said at least one origination transmitter before a specific time.

iv. Fourth representative claims, U.S. patent 5,109,414, claim 15 covering present application claim 11.

Patent 5,109,414, claim 15 claims a signal processing system which receives data from a data source and outputs the data to a matrix switch and a detector, control signals are detected within the received data and stored for further processing, and a processor controls the directing functions of (1) the matrix switch which receives the data as input and can direct selected portions of the data to a data transmission means and (2) the device which stores and transfers the control signals to the processor.

Present application claim 11 relates to a method of controlling remote television transmitter station. Patent claim 15 does not cover present application claim 11. The

two claims are capable of separate manufacture, use, and sale as claimed. These two inventions are distinct.

| U.S. patent 5,109,414, claim 15 | Present application claim 11 (Amended) |
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| <p>In a signal processing system, a receiver/distribution means for receiving data from a data source and for outputting said data to a matrix switch means and a control signal detector means, a matrix switch means for receiving said data from said receiver/distributor means and for directing selected portions of said received data to a data transmission means, a control signal detector means for detecting control signals respecting said data and transferring said control signals to a storage/transfer means, said control signal means being configured to detect said control signals at a predetermined location within said data, a storage/transfer means for receiving and storing said control signals and for transferring at least a portion of said control signals to a processor means for further processing, and a processor means for controlling the directing functions of said matrix switch means and the transfer functions of said storage/transfer means based on instructions contained in said control signals.</p> | <p>A method of controlling a remote television transmitter station to communicate television program material to one or more receiver stations, said remote television transmitter station including one of a broadcast and a cablecast transmitter for transmitting television programming, a plurality of selective transfer devices each operatively connected to said one of a broadcast and a cablecast transmitter for communicating said television programming, a television receiver for receiving said television programming from at least one origination transmitter station, a control signal detector, and a one of controller and a computer capable of controlling at least one of said selective transfer devices, said remote television transmitter station being adapted to detect the presence of at least one control signal, to control the communication of said television programming in response to said at least one control signal, and to deliver at said one of a broadcast and a cablecast transmitter said television programming, said method comprising the steps of:</p> <ol style="list-style-type: none"> (1) receiving said television programming at said at least one origination transmitter station and delivering said television programming to at least one origination transmitter; (2) receiving said at least one control signal, which at said remote intermediate television transmitter station operates to control communication of said at least one specific one unit of television programming; and (3) transmitting said at |

least one control signal to said at least one origination transmitter before a specific time.

Concerning paragraph 21 of the Office Action, Applicants acknowledge and appreciate the interviews provided by the USPTO. Applicants also appreciate the detailed description of the interviews provided in the Office Action. Paragraph 21 of the Office Action further states that “[t]he Group would like to have a complete grouping of applications in a manner that was submitted earlier for only a portion of the total filings.” Applicants note that based on the Office Actions received thus far, the USPTO does not appear to be following the groupings Applicants submitted previously. The order of examination of Applicants’ applications do not seem to have any correspondence to the groupings previously submitted. Applicants, therefore, will not supply further groupings. Applicants will, however, gladly supply further groupings if requested by the USPTO for the purpose of following these groupings. Mr. Groody has confirmed in a telephone conversation between Mr. Groody and Mr. Scott that no more groupings need be sent.

In the interest of maintaining a clear record, Applicants respectfully traverse the Office Action’s interview summary statement that an offer was made to terminally disclaim the present application with the ‘81 or ‘87 patents. Rather, Applicants respectfully submit that their offer was to disclaim a block of copending applications against one another, provided their issue date was in close enough proximity so as not to result in unnecessarily great losses in patent term duration.

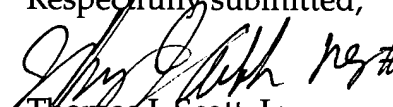
Responsive to the Notice of Draftperson's Patent Drawing Review found on Form PTO 948, Applicants will make necessary and appropriate drawing corrections upon the indication of allowable subject matter.

Based upon the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot. Further, it is respectfully submitted that the now pending claims 5-28, as amended, are patentably distinguishable over the prior art of record, taken either singularly or in any reasonable combination. Thus, there being no further outstanding objections or rejections, the application is submitted as being in a condition for allowance, which action is earnestly solicited.

If the Examiner has any remaining informalities to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such informalities.

8/1/97
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Respectfully submitted,

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